

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 16th day of June, 1998

BEFORE

THE HON'BLE MR. JUSTICE T.N. VALLINAYAGAM

WRIT PETITION NO. 17883 OF 1998

Between:

Devaiah, major,
Prop: Nandanavana Motor
Service, Gonikoppa,
Madikeri.

.. Petitioner.

(By Sri N.S. Rajanna, Adv.)

And:

1. Karnataka State Transport
Appellate Tribunal at
Bangalore, by its
Presiding Officer,
Multistoreyed Buildings,
Dr. Ambedkar Veedhi,
Bangalore.
2. The Secretary,
Regional Transport Authority,
Kodagu, Mercara.
3. A.G. bopanna, s/o
A.B. Ganapathy, major,
Prop: Coorg Union Motor
Service, Virajpet,
Kodagu Dist.

.. Respondents.

(By Sri R.K.Hatti, H.C.G.P.
for R.1 and R.2.)

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This writ petition is filed under Articles 226 and 227 of the Constitution, praying to quash the order dated 8-5-1998 passed by the first respondent in R.P. No. 1246/97, Annexure-D.

This petition coming on for preliminary hearing this day, the Court made the following:

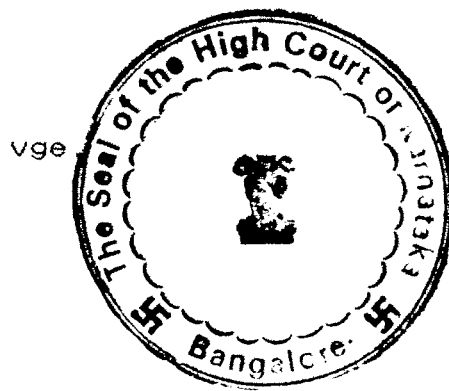
O R D E R

Government Pleader takes notice for the respondents 1 and 2.

2. Apart from the merits and demerits of the case and legality involved, what all Mr. Rajanna submitted ^{was} ~~that~~ that an opportunity must be given to his client to have his submissions before the Appellate Tribunal. I feel in the interest of justice, he should be given an opportunity to make his representation notwithstanding the fact that his client remained ex parte.

3. Therefore, the Tribunal is directed to take his objections also into consideration and pass orders considering the difficulties experienced by him in the revised timings. Till such decision is rendered, the present timings shall continue. In view of the fact that he wants to reopen the case, a sum of Rs. 500/- shall be paid ^{by} ~~by~~ the petitioner ^{as cost.} ~~by~~. The said amount would be paid to the Advocates Welfare Fund and the petitioner shall produce a receipt for reopening of the case.

4. The petitioner is granted ten days time.
5. Writ petition is, accordingly, disposed of.



Sd/-
JUDGE